

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CR-227-1-F

UNITED STATES OF AMERICA

v.

THOMAS RAY NICHOLS,
Defendant.

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ORDER

This matter is before the court pursuant to the defendant, Thomas Ray Nichols', September 13, 2012, "Motion for Reconsideration" [DE-144] of the Order [DE-142] denying relief requested in Nichols' Motion to Correct Record [DE-138] and Motion to Stay All Proceedings [DE-139]. The court's Order [DE-142] of September 4, 2012, inadvertently was entered prior to expiration of the time within which Nichols was permitted by the Local Rules to file a reply. Nichols timely filed his Reply [DE-143] on September 10, 2012.

Because the Order of September 4, 2012, was entered prematurely, Nichols' Motion for Reconsideration [DE-144] is ALLOWED, and that Order [DE-142] is STRICKEN.

In light of the allegations contained in Nichols' Motions [DE-139 & -144] and Reply [DE-143], and the statements contained in the Government's Response [DE-140], it further is ORDERED that:

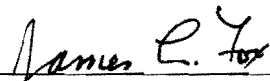
- The Government, by and through (i) the Assistant United States Attorney who negotiated Nichols' Plea Agreement **and** (ii) the Assistant United States Attorney who is prosecuting this forfeiture phase of the case re-file, *under oath*, the Response they wish the court to consider on or before **October 9, 2012**; and

- Mr. Nichols likewise re-file the Reply he wishes the court to consider as a *sworn affidavit* on or before **October 15, 2012**.

The Clerk of Court is DIRECTED to re-submit this matter to the undersigned on
Tuesday, October 16, 2012.

SO ORDERED.

This, the 26th day of September, 2012.



JAMES C. FOX
Senior United States District Judge